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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/064,186	06/20/2002	I-Lang Chang	8326-US-PA	1150

31561	7590	03/21/2006

JIANQ CHYUN INTELLECTUAL PROPERTY OFFICE
7 FLOOR-1, NO. 100
ROOSEVELT ROAD, SECTION 2
TAIPEI,   100
TAIWAN

EXAMINER
DAVIS, ZACHARY A

ART UNIT	PAPER NUMBER
2137	

DATE MAILED: 03/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/064,186	CHANG, L-LANG
	Examiner	Art Unit	
	Zachary A. Davis	2137	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>20 June 2002</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-17* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-17* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☒ All   b) ☐ Some * c) ☐ None of:

      1. ☒ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Priority

1.   Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which

papers have been placed of record in the file.

Drawings

2.   The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4)

because reference characters "201" (Figure 2A) and "209" (Figure 2B) have both been

used to designate the chipset; reference characters "203" (Figure 2A) and "211" (Figure

2B) have both been used to designate the address decoder; and reference characters

"205" (Figure 2A) and "213" (Figure 2B) have both been used to designate the memory

device. Note paragraph 0019 of the present specification.

3.   The drawings are objected to because they contain minor informalities.

Specifically, in Figure 1, in step 101, the phrase "a data" is not grammatically correct, as

"data" is a plural. It appears that it should be replaced by, for example "a piece of data",

"an item of data", or something similar, or simply "data". In decision blocks 103 and

109, it appears that the use of the word "whether" makes the queries within those blocks

into sentence fragments; this could be corrected, for example, in block 103, by replacing

"Whether the usage of the data exceeds" by "Does the usage of the data exceed", and

in block 109, by replacing "Whether the authentication password entered by the user

matches" with "Does the authentication password entered by the user match". Further,

in light of the specification, it appears that the "Yes" and "No" labels for the branches of

decision block 109 are reversed; it appears that "Yes" should lead to block 111 and "No"

should lead to block 113.

4.   Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in

reply to the Office action to avoid abandonment of the application. Any amended

replacement drawing sheet should include all of the figures appearing on the immediate

prior version of the sheet, even if only one figure is being amended. The figure or figure

number of an amended drawing should not be labeled as "amended." If a drawing figure

is to be canceled, the appropriate figure must be removed from the replacement sheet,

and where necessary, the remaining figures must be renumbered and appropriate

changes made to the brief description of the several views of the drawings for

consistency. Additional replacement sheets may be necessary to show the renumbering

of the remaining figures. Each drawing sheet submitted after the filing date of an

application must be labeled in the top margin as either "Replacement Sheet" or "New

Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

the applicant will be notified and informed of any required corrective action in the next

Office action. The objection to the drawings will not be held in abeyance.

Specification

5.   The abstract of the disclosure is objected to because it contains grammatical and other errors. Specifically, the abstract contains sentence fragments, beginning "If it does, notifying" and "Further comparing the authentication password". Additionally, in the phrase "to distinguish the usage authorization when a user accesses the data as well as the password that is needed", the use of the phrase "as well as" appears to imply that the user accesses the data and the password, which is generally unclear. Additionally, the use of the phrase, for example, "release the usage authorization" is generally unclear, as it appears to contradict the definitions of the terms, as will be detailed below. Correction is required. See MPEP § 608.01(b).

6.   The disclosure is objected to because of the following informalities:

The specification contains several grammatical and other errors. For example, the phrase of a data protection device "by using address" appears throughout the specification. The phrase is generally unclear, as it is not clear how an address is used for data protection; further, it appears that the phrase "by using address" should be replaced by "by using addresses" or "by using an address". Additionally, paragraph 0015 includes many sentence fragments (for example, the sentences beginning "In step 101"; "In step 103"; "If no, in step 107"; "When the user inputs an authentication password"; "If the authentication succeeds"; and "If the authentication does not succeed"). Also in paragraph 0015, at the description of steps 105 and 107, it appears that the description is reversed; that is, the conditions of "If yes" and "If no" regarding

whether the "user exceeds the data usage authorization" are reversed. Still further in

paragraph 0015, reference is made to "breakage of the data by a user or virus"; it is

generally unclear what "breakage" of data would entail. Further, in paragraph 0020, it

appears that "those who skilled" should read "those who are skilled", and it appears that

in the phrase "also can also use different methods", one of the instances of "also"

should be deleted. Additionally in paragraph 0020, the Examiner notes the use of the

term "biotic characteristic"; while this is not incorrect, a more common term would be a

"biometric characteristic". Also, reference is made to a "sound waveform" as an

example of a "biotic characteristic"; it appears that this is possibly intended to refer to a

more specific biometric identifier such as a voiceprint. Further, in paragraph 0021, the

use of "it" and "its" is unclear in the first sentence, as the antecedents of the pronouns

are not clear.

Further, the use of the phrases "release the data usage authorization" and

"exceed the data usage authorization" are somewhat unconventional and contradictory

to the plain meaning of the terms. It appears, particularly from the use in Table I, that

what is referred to as "usage authorization" would be more accurately labeled a "usage

restriction" because it restricts what use may be performed. "Authorization" is generally

defined as granting access to a network resource based on authentication or verification

of an identity, and the authorization determines what resources the user (for example) is

authorized to access. Therefore, if an authorization were "released", then a user would

subsequently not be able to access resources that it was previously authorized for. This

is in direct contradiction to Applicant's use of the phrase. Although Applicant may be his

or her own lexicographer, care must be taken not to use terms in ways repugnant to

their accepted meaning. Applicant must correct the specification to use terms that are

consistent with their art-accepted meanings.

Appropriate correction is required. The above is not to be considered an

exhaustive list of errors. Applicant's cooperation is requested in correcting any other

errors of which applicant may become aware in the specification.

Claim Objections

7.   Claims 1-17 are objected to because of the following informalities:

Claims 1-17 each recite a "data protection device by using address". It appears

that "by using address" is intended to read "by using an address" or "by using

addresses". The limitation is also generally unclear, as noted under the rejection under

35 U.S.C. 112, second paragraph, below.

Claims 1 and 9 recite "a data" in line 2 of each claim. Although generally used as

a singular construction, "data" is the plural of "datum", and therefore the phrase "a data"

is incorrect. The claim should be amended to read either "a piece of data" or similar, or

simply "data". Claims 1 and 9 also recite "the address decoder couples to a chipset" in

line 8 of each claim. It appears that "couples" should read "is coupled".

Claims 5, 7, 8, 14, 16, and 17 recite the limitation "biotic characteristic". While

this is not incorrect *per se*, the more common term is "biometric characteristic".

Claims 7 and 16 recite the limitation that the "biotic characteristic" includes a

"sound waveform". It appears that this may be intended as a reference to a more

specific form of biometric identifier such as a voiceprint.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

8.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

9.   Claims 1-17 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

Claims 1-17 recite a "data protection device by using address". The limitation "by

using address" is generally unclear, as it is not clear how an address is used for data

protection. Further, as noted above in reference to the specification and under the

heading Claim Objections, it appears that "by using address" should be replaced by "by

using an address" or "by using addresses".

Claim 1 recites the limitation "releasing the usage authorization" in line 6 and

"releases the usage authorization" in line 15. This is generally unclear, because it

contradicts the accepted meaning of the term "authorization"; that is, if an authorization

were released, then a user would subsequently not be able to access a resource that it

was previously authorized for. See above regarding the objections to the specification.

The claim further recites the limitation "compares with the address and the usage

authorization" in lines 10-11; it is not clear what is compared with the address and the

authorization. The claim also recites the limitation "the control" in line 12. There is

insufficient antecedent basis for this limitation in the claims. The claim additionally

recites the limitation "compares the password" in line 14. This is unclear for two

reasons: first, because it is not clear to what the password is compared, and second,

because it is not clear whether "the password" refers to the password recited in line 6 or

to the authentication password in line 11. This renders the claim indefinite.

Claim 3 recites the limitation "a chipset" in line 2. It is not clear whether this is

the same chipset as recited in Claim 1 or a different chipset.

Claim 4 recites the limitation "the database" in line 3. It is not clear whether this

refers to the database recited in Claim 1, lines 4-5, or the database of Claim 4, line 2.

Further the claim recites the limitation "release the usage authorization". This was

addressed above in reference to the specification and Claim 1.

Claim 6 recites the limitation "the chipset exceeds the usage authorization" in

lines 2-3 of the claim. This is generally unclear, as it is inconsistent with the meaning of

the term "authorization". It appears from Applicant's specification, particularly Table I,

that the phrase "exceeds the usage restriction" may be more appropriate, as noted

above regarding the objections to the specification.

Claim 9 recites the limitation "releasing the usage authorization" in line 6 and

"releases the usage authorization" in line 15. This was addressed above in reference to

the specification and Claim 1. The claim further recites the limitation "compares with the

address and the usage authorization" in lines 10-11; it is not clear what is compared

with the address and the authorization. The claim also recites the limitation "the control"

in line 12. There is insufficient antecedent basis for this limitation in the claims. The

claim additionally recites the limitation "compares the password" in line 14. This is

unclear for two reasons: first, because it is not clear to what the password is compared,

and second, because it is not clear whether "the password" refers to the password

recited in line 6 or to the authentication password in line 11. This renders the claim

indefinite.

Claims 10-17 recite the limitation "The hard disk data protection device". There

is insufficient antecedent basis for this limitation in the claims, although it appears to

refer to the "data protection device" of Claim 9.

Claim 13 recites the limitation "the database" in line 3. It is not clear whether this

refers to the database in Claim 9, lines 4-5, or the database of Claim 13, line 2. Further,

the claim recites the limitation "release the usage authorization". This was addressed

above in reference to the specification and Claim 1.

Claim 15 recites the limitation "the chipset exceeds the usage authorization" in

lines 2-3. This was addressed above in reference to the specification and Claim 6.

Claim Rejections - 35 USC § 102

10.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11.   Claims 1-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Ito et al,

US Patent 6286087.

In reference to Claims 1 and 9, Ito discloses a data protection device that

includes a memory device holding a database for the address of data and the

authorized uses of the data (column 2, lines 32-38) and an address decoder that

receives and decodes a control signal, compares an address and an authorized use

with a requested use, and receives a password to authorize the requested use (column

2, lines 38-46).

In reference to Claims 2, 3, and 10-12, Ito further discloses integration of the

device into a chipset or drive (see Figure 5 and column 9, lines 15-50).

In reference to Claims 4 and 13, Ito further discloses the database including

addresses and authorized uses for a plurality of data records (column 2, lines 56-60).

In reference to Claims 5, 7, 8, 14, 16, and 17, Ito further discloses that the

password can be provided by a keyboard or mouse (see column 18, lines 38-53).

In reference to Claims 6 and 15, Ito further discloses sending a warning when a

requested use exceeds what is authorized (column 10, lines 55-59).

Conclusion

12.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

a.   Francisco et al, US Patent 5263147, discloses a security system in which

access monitoring tables specify a user's read/write access to stored data.

b.   Fujioka, US Patent 5698836, discloses an IC card having separate

passwords for read and write access that are used to authorize external read or

write command requests.

c.   Mathers et al, US Patent 6012145, discloses a device for password

protection of a hard disk drive.

d.   Reardon, US Patent 6212635, discloses a security system that includes a

security gateway that can disable access to memory devices based on a user's

authorization, such as a password.

e.   Yoshino et al, US Patent 6834333, discloses a data storage device that

includes a block permission table that describes the authorized uses of each

block of data in the storage device.

f.   Snyder, US Patent 6952778, discloses a system for access protection in

which security levels, determining read/write access, are mapped to memory

blocks.

g.   Jha et al, US Patent Application Publication 2001/0036109, discloses a

system in which a password register stores different password for different

portions of a memory array.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Zachary A. Davis whose telephone number is (571) 272-

3870. The examiner can normally be reached on weekdays 8:30-6:00, alternate

Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

Information regarding the status of an application may be obtained from the

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Business Center (EBC) at 866-217-9197 (toll-free).

zad

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PRIMARY EXAMINER
Art Unit 2137